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POUND FOR POUND: A LEGAL ANALYSIS OF THE
GAMBLING, ALCOHOL, AND TAXATION ISSUES
THE NFL MUST WEIGH AS IT EXPANDS
TO LONDON

I. INTRODUCTION

The National Football League (hereinafter NFL or “League”) and its Commissioner, Roger Goodell, have set their sights on establishing an NFL franchise in London.¹ The League began playing regular season games in London during the 2007 season.² In 2014, three regular season games were played at London’s Wembley Stadium, a significant increase from the sole annual game played there between 2007 and 2012.³ The NFL considers these games part of the 2014 International Series.⁴ The series has been a huge success, with all but one game drawing over 80,000 fans.⁵

1. See Mike Coppinger, *Goodell: London Team ‘Could be Five or 10 Years Away’*, NFL (July 20, 2014, 10:27 AM), <http://www.nfl.com/news/story/0ap2000000366012/article/goodell-london-team-could-be-five-or-10-years-away> (reporting NFL Commissioner Roger Goodell’s belief that London-based NFL Franchise could be five or ten years away, assuming continued growth and interest in sport remains); see also NFL Interviews, *Goodell on London NFL Team: ‘We Could Have a Franchise There’*, NFL NETWORK, <http://www.nfl.com/videos/nfl-player-interviews/0ap2000000366067/Goodell-on-London-NFL-team-We-could-have-a-franchise-there> (last visited Mar. 20, 2015) [hereinafter *NFL Interviews*] (interviewing NFL Commissioner Roger Goodell on his goal to expand NFL to London); Jason La Canfora, *London Calling: NFL Wants UK Team, and Soon; Jags Look Like Best Fit*, CBS SPORTS (June 5, 2013, 3:48 PM), <http://www.cbssports.com/nfl/writer/jason-la-canfora/22357154/london-calling-nfl-wants-uk-team-and-soon-jags-look-like-best-fit> (discussing significant financial incentives of London-based franchise as motivating factor to move team to London); Jenny Vrentas, *Why London? And Can It Work?*, THE MONDAY MORNING QUARTERBACK (Oct. 2, 2014), <http://mmqb.si.com/2014/10/02/nfl-team-in-london-international-series/> (breaking down possibility of success for NFL team in London).

2. See *2015 International Series Games Confirmed*, NFL COMMUNICATIONS, <https://nflabor.files.wordpress.com/2014/11/11-06-14-2015-london-games-confirmed.pdf> (last visited Mar. 20, 2015) (indicating first game of NFL International Series was played on October 28, 2007, with New York Giants defeating Miami Dolphins 13-10).

3. See *id.* (showing three “regular-season games” listed for the 2014 and 2015 seasons, while only one game was scheduled in 2012).

4. See *id.* (tinting games played in London as “2014 International Series”).

5. See *id.* (recording attendances of games played in London between 2007 and 2013 as increasing by approximately fifteen percent each year except 2009—only year attendance did not surpass 80,000 attendance mark).

The success has only fueled the fire of speculation surrounding a possible permanent move for a current NFL team.⁶ Much debate has arisen regarding what challenges would need to be addressed before a team can start playing regularly in London, such as, which team would be best suited for relocation, how the logistics and travel would impact scheduling, and what impact it would have on existing television contracts.⁷ Some issues may require the League, as well as the city of London, to change certain policies and practices, in order for the move to be successful.⁸

This Comment focuses on three topics that could substantially impact the success of the NFL's London expansion: gambling, alcohol, and taxation. Part II analyzes how the gambling-adverse policies of the NFL will fair in the gambling-friendly culture of the United Kingdom.⁹ Historically, the NFL has strongly opposed most government attempts to legalize sports betting in the United States.¹⁰ Although sports betting is generally illegal in the United States, it is a major part of the English sports culture.¹¹ The NFL will need to decide whether it will embrace gambling in the United Kingdom or continue to downplay the growing gambling aspect of the sport.¹²

6. See Coppinger, *supra* note 1 (quoting Roger Goodell's remarks that there is "tremendous demand" for American football and that team "could be five or 10 years away").

7. See La Canfora, *supra* note 1 (highlighting multiple issues facing NFL's potential move to London, such as how Jacksonville Jaguars are currently most likely to move because of huge financial potential in London compared to Jacksonville).

8. See *id.* (claiming NFL move to London would be "ultimate innovation" for Roger Goodell).

9. For further discussion regarding gambling in the NFL, see sources cited *infra* notes 28-45 and accompanying text.

10. See generally *NCAA v. Governor of N.J.*, 730 F.3d 208 (3d Cir. 2013), *cert. denied*, 134 S. Ct. 2866 (2014) (enjoining proposed New Jersey law because of potential injury to NFL and other professional and amateur sports leagues); see also *Office of the Comm'r of Baseball v. Markell, C.A. 09-538GMS*, 2009 WL 2450284 (D. Del. Aug. 10, 2009) *vacated sub norm.* *OFC Comm'r Baseball v. Markell*, 579 F.3d 293 (3d Cir.) (naming NFL as party in suit against Delaware Governor regarding law expanding sports betting in Delaware).

11. Compare 28 U.S.C. § 3702 (prohibiting any government entity or person from facilitating any form of gambling or wagering on professional or amateur sporting events), with Gambling Act 2005 c. 19, s. 5 (U.K.), available at <http://www.legislation.gov.uk/ukpga/2005/19/contents> (creating regulatory structures to "prevent gambling from being a source of crime or disorder," "[ensure] that gambling is conducted in a fair and open way," and "[protect] children and other vulnerable persons from being harmed or exploited by gambling.").

12. For further discussion of the advantages and disadvantages facing the NFL with regards to gambling, see *infra* notes 71-89 and accompanying text.

Part III examines the United Kingdom's policy regarding alcohol at sporting events.¹³ Following an epidemic of fan violence and disorderly conduct during the 1970s and 1980s, the U.K. passed the Sporting Events Act of 1985, making it illegal to be in possession of an alcoholic beverage at "designated sporting events."¹⁴ While the U.K. has started to allow drinking at certain sporting events, such as rugby and cricket, drinking is still prohibited inside the stadium during soccer games—the country's most popular sport.¹⁵ The NFL, in an effort to control its own fan violence problem, has begun to limit the influence of alcohol during its games.¹⁶ Furthermore, it is still unclear whether the U.K. would be willing to allow thousands of NFL fans to drink inside the stadium on a weekly basis; however, a behind-the-scenes actor with a significant interest in this issue is Anheuser-Busch InBev: the world's largest beer distributor and the NFL's largest sponsorship partner.¹⁷

Finally, Part IV focuses on the U.K.'s unfavorable tax policies regarding foreign athletes and the impact the policy will have on a London-based team and the rest of the NFL.¹⁸ Recently, the tax policy received harsh criticism from Olympic athletes during the 2012 Summer Olympics.¹⁹ If not addressed, the tax policy could put a London NFL team at a substantial disadvantage with regards

13. For further discussion of the United Kingdom's alcohol policy, see *infra* notes 90-102 and accompanying text.

14. See Sporting Events Act 1985 c. 57, s. 2, (U.K.), available at <http://www.legislation.gov.uk/ukpga/1985/57/section/2> (prohibiting possession of alcohol at designated times and places while attending sporting event); see also Matt Dathan, *Drink Again? Premier League Clubs Back Campaign to Lift Ban on Alcohol in Seats Inside Football Grounds*, MIRROR (Feb. 14, 2013, 5:49 PM), <http://www.mirror.co.uk/sport/football/news/drinking-alcohol-football-grounds-premier-1709494> (reporting current status of alcohol in-seat consumption ban during Premier League games).

15. See Dathan, *supra* note 14 (highlighting disparity between attending Premier League games and Rugby games in United Kingdom and growing pressure to lift stadium alcohol ban).

16. For further discussion regarding NFL fan conduct, see *infra* notes 116-28.

17. See Anthony Crupi, *Anheuser-Busch Goes Long with NFL Pact*, ADWEEK (Aug. 12, 2011, 1:26 PM), www.adweek.com/news/advertising-branding/anheuser-busch-goes-long-nfl-pact-134113 (reporting sponsorship agreement between NFL and Anheuser-Busch worth \$1.2 billion and will enable Anheuser-Busch to promote its brand Bud Light).

18. For further discussion regarding the United Kingdom's tax policies, see *infra* notes 118-33 and accompanying text.

19. See *Usain Bolt Tax Bill: Why Sports Stars Won't Compete in Britain*, THE WEEK (Aug. 14, 2012, 10:05 AM), <http://www.theweek.co.uk/olympics/london-2012/48467/usain-bolt-tax-bill-why-sports-stars-wont-compete-britain> (reporting how high tax rates have deterred stars from competing in sporting events in United Kingdom).

to luring free agents and meeting salary cap requirements.²⁰ The NFL will need to explore all options in order to level the tax playing field for the London team.²¹ However, each option comes with various disadvantages that may ultimately determine how successful the team will be on the field and in the stands.²²

II. COMING UP GREEN: AN IN-DEPTH LOOK AT SPORTS GAMBLING'S ROLE IN THE NFL'S MOVE TO LONDON

In 1992, Congress passed a statute banning the facilitation of gambling on professional sports, known as the Professional and Amateur Sports Protection Act ("PASPA").²³ The NFL's Constitution and By-laws also prohibit gambling on game outcomes or player performances.²⁴ This Part focuses on the NFL's current stance against sports gambling and why the League believes gambling will tarnish the League's reputation.²⁵ Then, this Part examines how the popular sports gambling culture in the United Kingdom and increasing pressure in the United States will influence the NFL's gambling policy as it moves toward establishing a franchise in London.²⁶ Finally, it explains how sports gambling could potentially help the NFL succeed in London.²⁷

20. See Tony Nitti, *One Reason the NFL Will Never Permanently Relocate a Team to London: The U.K.'s Tax Treatment of Nonresident Athletes*, FORBES (Oct. 29, 2012, 10:14 PM), <http://www.forbes.com/sites/anthonyнити/2012/10/29/one-reason-the-nfl-will-never-permanently-relocate-a-team-to-london-the-u-k-s-tax-treatment-of-nonresident-athletes/> (discussing how players will not want to play in city with higher tax rates).

21. For further discussion of options available to the NFL, see *infra* notes 173-94 and accompanying text.

22. For further discussion of advantages and disadvantages of NFL's tax options, see *infra* notes 173-94 and accompanying text.

23. See generally 28 U.S.C. § 3702 (banning government entity or person from wagering on "one or more competitive games").

24. See NAT'L FOOTBALL LEAGUE CONSTITUTION & BY-LAWS tit. 9.1(C)(6), NFL (Feb. 1, 1970, revised 2006) [hereinafter NFL CONSTITUTION & BY-LAWS], available at http://static.nfl.com/static/content/public/static/html/careers/pdf/co_.pdf (allowing no persons associated with NFL from authorizing or promoting betting on "any performance in any NFL game").

25. See Hannah Karp, *The NFL Doesn't Want Your Bets*, WALL ST. J. (June 16, 2009, 12:01 AM), online.wsj.com/articles/SB124511421029417367 (reporting NFL preparing lawsuit against Delaware over law expanding legalized sports betting).

26. For a further discussion regarding the gambling culture in the U.K. and U.S., see *infra* notes 58-70 and accompanying text.

27. For a further discussion regarding whether the NFL should embrace sports gambling, see *infra* notes 80-89 and accompanying text.

A. The NFL's Goal Line Stand Against Gambling

Historically in the United States, the NFL and the other major sports leagues (collectively “the leagues”) have opposed legalized sports gambling.²⁸ In 1992, several states were on the verge of passing legislation to allow sports gambling; however, the leagues successfully lobbied Congress to pass the Professional and Amateur Sports Protection Act, thus prohibiting any state from creating or expanding sports gambling laws.²⁹ However, the law “grandfathered-in” four states—Nevada, Delaware, Montana, and Oregon—and allows these states to continue their existing gambling operations; but this caveat has not stopped the NFL or the other leagues relying on the law to bring lawsuits against those states and others from implementing legislation that would expand sports gambling.³⁰

The first case to challenge the merits of PASPA was *Commissioner of Baseball v. Markell*.³¹ This 2009 Third Circuit decision revolved around a Delaware law that would have allowed “point-spread bets,” “over/under bets,” and “multi-game parlay bets” within the state of Delaware.³² In *Markell*, the leagues were concerned about the “imminent danger of having their reputations and good will compromised because of yet another attempt by Delaware to engage in gambling activity associated with professional football and other sports.”³³ Delaware argued that because their

28. See Joshua M. Peles, Note, *NCAA v. N.J.: New Jersey Rolls the Dice on a Tenth Amendment Challenge to the Professional and Amateur Sports Protection Act*, 21 Moorad Sports L.J. 149, 158-61 (2015) (analyzing previous legislative and judicial history of professional sports gambling in United States).

29. See *id.* (discussing method used by professional sports leagues to stop implementation of laws authorizing gambling on professional sports).

30. See 28 U.S.C. § 3704 (explaining “[s]ection 3702 shall not apply to . . . a wagering scheme in operation in a State or other government entity . . . at any time during the period beginning January 1, 1976, and ending August 31, 1990”); see also *NCAA v. Governor of N.J.*, 730 F.3d 208, 215 (3d Cir. 2013), *cert. denied*, 134 S. Ct. 2866 (2014) (finding PASPA permits states that meet certain requirements to continue their gambling operations); *OFC Comm’r Baseball v. Markell*, 579 F.3d 293, 297 (3d Cir. 2009) (joining NFL in lawsuit against State of Delaware, state that was “grandfathered” in under PASPA).

31. See *NCAA v. Christie*, 926 F. Supp. 2d 551, 553 (D.N.J. 2013) *aff’d sub nom.*, *NCAA v. Governor of N.J.*, 730 F.3d 208 (3d Cir. 2013) (using *Markell* to show that Sports Wagering Law violates PASPA).

32. See *Markell*, 579 F.3d at 295 (describing the three types of gambling allowed under Delaware law).

33. See *Office of Comm’r of Baseball v. Markell*, C.A. 09-538GMS, 2009 WL 2450284 (D. Del. Aug. 10, 2009) *vacated sub nom.*, *OFC Comm’r Baseball v. Markell*, 579 F.3d 293 (3d Cir.) (quoting plaintiffs complaint regarding proposed legislation); see also *Christie*, 926 F. Supp. at 578 (quoting *Markell*: “[Sports gambling] would engender the very ills that PASPA sought to combat.” (citations omitted)).

“sports lottery” scheme was already grandfathered in, they could apply that scheme to any sport.³⁴ However, the Third Circuit decided instead that the lottery had to be limited to only the sports under the scheme at the time the scheme was grandfathered.³⁵

The professional leagues and the National Collegiate Athletic Association (NCAA) have since been able to rely on the Third Circuit’s narrow interpretation of PASPA to stop legislation that would allow gambling on their sports.³⁶ In one of the most recent examples, *National Collegiate Athletic Ass’n v. Governor of New Jersey*, the NFL joined the NCAA and several other sports leagues in a lawsuit against the Governor of New Jersey, Chris Christie.³⁷ The suit was based on a New Jersey law, known as the Sports Wagering Law, which allowed gambling on amateur and professional sports in the state of New Jersey.³⁸ The suit was originally tried in the Federal District Court of New Jersey—which decided in favor of the leagues, a decision later upheld on appeal by the Third Circuit.³⁹

The leagues sought to enjoin the enactment of the New Jersey law.⁴⁰ In order to do so, the plaintiffs needed to prove “irreparable injury.”⁴¹ The leagues claimed the law would target their respective sports and leagues.⁴² The law would allow for an increase in both legal and illegal gambling related to the games and contests.⁴³ The

34. See Peles, *supra* note 28, at 159 (referencing Delaware’s argument in *Markell*).

35. See *id.* (citing Third Circuit holding narrowly interpreting PASPA in *Markell*).

36. See Karp, *supra* note 25 (explaining NFL’s historical resistance to sports gambling and its attempts to protect its sport).

37. See *Christie*, 926 F. Supp. at 553 (listing the NFL as party in suit filed in Federal District Court of New Jersey against Governor Chris Christie and other New Jersey state officials regarding New Jersey’s Sports Wagering Law).

38. See *generally* *NCAA v. Governor of N.J.*, 730 F.3d 208 (3d Cir. 2013), *cert. denied*, 134 S. Ct. 2866 (2014) (affirming decision from district court regarding injury to plaintiffs).

39. See *id.* at 214 (“[Plaintiffs] contend . . . that New Jersey’s proposed law violates a federal law that prohibits most states from licensing sports gambling, the Professional and Amateur Sports Protection Act of 1992 (PASPA).”).

40. See *Christie*, 926 F. Supp. at 553 (Plaintiffs . . . seeking to enjoin defendants Christopher J. Christie, Governor of the State of New Jersey . . . from implementing . . . [New Jersey’s Sports Wagering Law].”).

41. See *id.* at 578 (“Plaintiffs have demonstrated irreparable injury because the Sports Wagering Law has been enacted in violation of federal law.”).

42. See *id.* (referencing plaintiffs’ argument “that their games are the very object of the sports betting at issue and that they have an interest in how their athletic contests are perceived by fans.”).

43. See *NCAA v. Christie*, No. CIV.A. 12-4947 MAS, 2012 WL 6698684, at *6 (D.N.J. Dec. 21, 2012) *aff’d sub nom.*, *NCAA v. Governor of N.J.*, 730 F.3d 208 (3d Cir. 2013) (claiming that not only will legal gambling increase, but so will illegal gambling).

leagues asserted legalized gambling would lead fans, whether rightly or wrongly, to believe the games were being played with less integrity, such as a perceived increase in match-fixing between officials and players.⁴⁴ Furthermore, they claimed, this law could cause serious financial injury to the leagues, as the court found that “seventeen percent of the leagues’ fans . . . would spend less money on the leagues if [the leagues] placed a professional sports team in close proximity to legalized sports gambling.”⁴⁵

B. The Smart Money

So far, the NFL has successfully stopped legislative action that poses a substantial threat to its institutional gambling ban.⁴⁶ However, as the prospect of a London team looms ever larger, the NFL may be forced to reconsider its stance.⁴⁷ Gambling is a significant part of the English sports culture.⁴⁸ So much so that inside Wembley Stadium, the iconic symbol of English soccer and the NFL’s current venue for its International Series games, there is a betting parlor.⁴⁹

Viewers in the U.K. who watch weekly English Premier League soccer games are accustomed to seeing gambling advertisements and betting lines during halftime commercials, field-level advertisement boards, and even gambling websites printed across various

44. See *id.* (arguing fans’ “perception of the integrity of their games will decline if the Sports Wagering Law goes into effect.”).

45. See *id.* at *5 (citing 2007 NBA Las Vegas/Gambling Survey finding 17% of fans would spend less money on professional sports if it was connected with Las Vegas and perception of gambling).

46. See Karp, *supra* note 25 (explaining NFL’s strong opposition to recent attempts to expand legalized sports betting throughout United States).

47. See David Purdum, *Sports Betting Deters NFL from Las Vegas, But not from London*, THE LINEMAKERS (June 6, 2013, 3:06 PM), <http://linemakers.sportingnews.com/nfl/2013-06-06/roger-goodell-nfl-las-vegas-london-games-sports-betting-unlv-football-stadium> (explaining how Las Vegas’s gambling culture seen as negative, while not seen as potential problem in London).

48. See Frank Koegh & Gary Rose, *Football Betting – The Global Gambling Industry Worth Billions*, BBC SPORT (Oct. 3, 2013, 1:34 PM), <http://www.bbc.com/sport/0/football/24354124> (estimating entire global market for sports betting valued between \$700 billion and \$1 trillion).

49. Compare NFL CONSTITUTION & BY-LAWS, *supra* note 24, tit. 9.1(C)(6) (prohibiting anyone associated with NFL from authorizing or promoting betting on “any performance in any NFL game”), with Wembley Stadium Map, WEMBLEY, http://www.wembleystadium.com/PDF/WS_Level-2_Map.pdf (last visited Apr. 8, 2014) (mapping Wembley Stadium’s betting parlors).

teams' jerseys.⁵⁰ Worldwide betting on soccer games has become a \$1 trillion industry.⁵¹

Conversely, the NFL argues that the integrity of the game is at risk with the introduction of gambling.⁵² The NFL is wary of its fans losing faith in the product they see on the field every Sunday.⁵³ Despite the NFL's position, the fantasy football phenomenon, a game with strong ties to gambling, has become one of the biggest derivative NFL markets.⁵⁴ Fantasy football has become so large that the NFL provides its own platform for creating and joining fantasy leagues.⁵⁵ Furthermore, numerous websites and blogs featuring weekly gambling lines and betting advice are only a quick Google search away.⁵⁶ ESPN, one of the NFL's major sports network partners, provides occasional gambling advice on its programs, as well as through its *Insider* and *Grantland* websites.⁵⁷

50. See Owen Gibson, *Football League's Sky Bet Deal Shows Cosiness Between Game and Bookies*, THE GUARDIAN (Aug. 2, 2013, 8:17 AM), <http://www.theguardian.com/football/blog/2013/aug/02/football-league-sky-bet-premier-league> (describing the prolific nature of sports betting in the English culture).

51. See Koegh & Rose, *supra* note 48 (depicting total global size of sports gambling industry, with 70% of that industry coming from soccer).

52. See *id.* (illuminating fears NFL has with regards to allowing legalized sports gambling would have on the perception of NFL games).

53. See *NCAA v. Christie*, No. CIV.A. 12-4947 MAS, 2012 WL 6698684, at *6 (D.N.J. Dec. 21, 2012) *aff'd sub nom.*, *NCAA v. Governor of N.J.*, 730 F.3d 208 (3d Cir. 2013) (finding 17% of NBA fans would spend less money on sporting events if they were affiliated with Las Vegas and perception of legalized gambling).

54. See Brian Goff, *The \$70 Billion Fantasy Football Market*, FORBES (Aug. 20, 2013, 10:01 AM), www.forbes.com/sites/briangoff/2013/08/20/the-70-billion-fantasy-football-market/ (estimating \$70 billion spent annually on fantasy football and derivative markets).

55. See generally *NFL Fantasy'14*, NFL, <http://fantasy.nfl.com> (last visited Sept. 29, 2014) (offering users opportunities to create, join, or activate fantasy football league sponsored by NFL).

56. See Google Search Query, <http://www.google.com> (search "NFL betting lines"; then follow "Search" hyperlink) (providing list of websites offering betting lines and gambling information).

57. See *Insider Vegas Experts, 2014 Pro Football Betting Guide*, ESPN (Sept. 4, 2014), http://insider.espn.go.com/espn/chalk/story/_/id/11459226/betting-2014-pro-football-betting-guide-super-bowl-futures-divisional-picks-season-win-totals-more (providing in-depth analysis of 2014 season betting lines); see also *The B.S. Report with Bill Simmons: Degenerate Gambling Preview Part 1 and Part 2*, GRANTLAND (Sept. 4, 2014) (streamed from grantland.com/contributors/bill-simmons/) (providing insights into upcoming gambling odds, including prop bets and other less common odds, and providing great background noise to law students writing law journal articles).

C. All Bets Are Off

The pressure and influence of sports gambling is gaining prominence in the United States, as well.⁵⁸ Recently, National Basketball Association Commissioner Adam Silver remarked that bets can make a game more engaging, and it is “inevitable” that increasingly more states will legalize sports betting.⁵⁹ Commissioner Silver’s view is a sharp deviation from that of his predecessor, David Stern; it will be interesting to see if the NBA will be more willing to accommodate the gambling industry under Commissioner Silver.⁶⁰

Commissioner Silver’s comments will likely be a focal point in the leagues’ most recent attempt to stop pro-gambling legislation in New Jersey.⁶¹ In the fall of 2014, Governor Christie attempted a new strategy to bring sports betting to New Jersey by signing a bill that would no longer allow the state government to prohibit sports betting within New Jersey.⁶² The leagues once again filed an injunction to prevent the New Jersey bill from being enacted.⁶³ Instead of trying to affirmatively legalize sports gambling like in *NCAA v. Christie*, New Jersey’s new effort essentially repeals the State’s current prohibitions on sports gambling at racetracks and other established gambling venues, therefore passively allowing sports

58. See James Herbert, *Adam Silver: Legalized Sports Betting ‘Inevitable’ In More States*, CBS SPORTS (Sept. 4, 2014, 6:59 PM), <http://www.cbssports.com/nba/eye-on-basketball/24694781/adam-silver-legalized-sports-betting-inevitable> (quoting from interview with NBA Commissioner Adam Silver on his willingness to encourage, and capitalize on, legalized sports betting).

59. See *id.* (illustrating NBA Commissioner’s beliefs on future of sports betting in United States based on several states’ desire to capitalize on betting revenue).

60. See David Purdum, *Adam Silver: Betting is ‘Inevitable’*, ESPN (Sept. 5, 2014, 3:31 PM), <http://espn.go.com/espn/chalk/story?id=11466692> (reporting former NBA Commissioner David Stern’s disapproval of New Jersey’s attempts to legalize sports betting).

61. See David Purdum, *NCAA, NFL Seek to Stop N.J. Betting*, ESPN (Oct. 21, 2014, 11:58 AM), http://espn.go.com/espn/chalk/story/_/id/11733844/ncaa-nfl-file-injunction-prevent-new-jersey-sports-betting (claiming NBA’s stance on gambling changed because of Commissioner Silver’s recent comments).

62. See David Purdum, *Governor Signs NJ Sports Betting Bill*, ESPN (Oct. 17, 2014, 10:20 PM), http://espn.go.com/espn/chalk/story/_/id/11718151/governor-chris-christie-signs-new-jersey-sports-betting-bill-law (describing legislation signed by Governor Christie that “partially” repealed state’s prohibition on sports gambling).

63. See Hunter Schwarz, *Chris Christie Signed a Bill Legalizing Sports Betting in N.J., so All the Major Leagues Filed a Lawsuit to Block It*, WASH. POST (Oct. 20, 2014), <http://www.washingtonpost.com/blogs/govbeat/wp/2014/10/20/chris-christie-signed-a-bill-legalizing-sports-betting-in-n-j-so-all-the-major-leagues-filed-a-lawsuit-to-block-it/> (reporting an injunction filed by professional leagues in response to New Jersey’s law).

gambling.⁶⁴ New Jersey believes this law will survive the legal challenge from the leagues, especially if Commissioner Silver's stance on gambling weakens the perceived injuries of the leagues.⁶⁵ New Jersey hopes the law provides the state's gambling industry with a necessary boost.⁶⁶

It is estimated that the illegal sports gambling industry in the United States is worth roughly \$380 million.⁶⁷ However, the NFL claims that only "a very small percentage" of its fans actually bet on the game.⁶⁸ The NFL says that it does not allow the on-site betting parlor at Wembley Stadium to open during International Series games.⁶⁹ Yet, London fans gamble almost six times the amount of money on the games played in London than on a regular season game played in the United States.⁷⁰

D. Keep Calm and Gamble On

While the NFL is concerned about the perception of gambling influencing game outcomes, the international soccer community faces the same problem.⁷¹ In 2012, fifty national soccer organiza-

64. *See id.* (explaining how New Jersey believes current bill different than previous attempts to legalize sports gambling and does not "violate . . . federal law"). The leagues still view the legislation as a "flagrant violation of federal law." *See id.* (quoting complaint filed by NBA, NCAA, NFL, NHL, and MLB).

65. *See id.* (quoting Governor Christie as making following statement: "[I]t was critical that we follow a correct and appropriate path to curtail new court challenges and expensive litigation.").

66. *See id.* (reporting New Jersey legislators believe repeal will help stabilize state's economy). Atlantic City has seen one third of its casinos shut down this year. *See id.*; see also Mark Berman, *Trump Plaza Closes, Making It Official: A Third of Atlantic City's Casinos Have Closed This Year*, WASH. POST (Sep. 16, 2014), <http://www.washingtonpost.com/news/post-nation/wp/2014/09/16/trump-plaza-closes-making-it-official-a-third-of-atlantic-citys-casinos-have-closed-this-year/> (noting that four casinos closed in 2014 with fifth supposed to join suit).

67. *See Sports Wagering*, AM. GAMING ASSOC., <http://www.americangaming.org/industry-resources/research/fact-sheets/sports-wagering> (last visited Apr. 8, 2015) (reporting estimated value of black market sports gambling in United States on 2015 Super Bowl alone).

68. *See Karp, supra* note 25 (quoting NFL spokesman Joe Browne speaking about NFL's 100 million television viewers and what percentage of that viewership bets on any part of basketball games).

69. *See David Purdum, NFL: Stance on Sports Betting Has Nothing to do with Money*, THE LINEMAKERS (Mar. 6, 2013, 2:03 PM), <http://linemakers.sportingnews.com/nfl/2013-03-06/new-jersey-sports-betting-case-nfl-stance-league-lawsuit-roger-goodell> (reporting NFL does not allow betting parlors at Wembley stadium to operate in attempt to quell gambling presence at NFL games in United Kingdom).

70. *See id.* (citing popular book-maker William Hill that about \$450,000 bet on games played in United Kingdom).

71. *See Sheila Norman-Culp, Soccer Match-Fixing Scandal: A Look at How Organized Crime Corrupts the 'Beautiful Game'*, HUFFINGTON POST (Feb. 12, 2013, 2:26 PM), http://www.huffingtonpost.com/2013/02/12/soccer-match-fixing-scandal_n_267

tions investigated “match-fixing” in their domestic leagues.⁷² In Europe, it is estimated that each year 300 soccer matches are fixed.⁷³ However, the majority of offenses occur in lower-division and lesser-known leagues.⁷⁴ When fixing scandals do occur in the top professional leagues, domestic leagues have been generally quick to act and have implemented heavy punishments, proving themselves capable of policing their own leagues and restoring fans’ faith in the on-field product.⁷⁵

In one of the most prominent and prolific examples of match-fixing, the Italian Football Federation, Italian soccer’s governing body, demoted three teams from Italy’s top division, including the champions of the previous two seasons Juventus F.C., for their involvement in a pervasive match-fixing scandal.⁷⁶ Top-ranking officials of the clubs and league were also suspended and fined for their involvement.⁷⁷ The effects reverberated throughout the Ital-

1282.html (reporting on recent match-fixing issues plaguing parts of soccer community and influence of organized crime syndicates in Asia).

72. See DIRECTORATE-GENERAL FOR EDUCATION AND CULTURE (EC), MATCH-FIXING IN SPORT: A MAPPING OF CRIMINAL LAW PROVISIONS IN EU 27 (2012), available at http://ec.europa.eu/sport/library/studies/study-sports-fraud-final-version_en.pdf (defining match-fixing as “[t]he manipulation of sports [including] the arrangement on an irregular alteration of the course or the result of a sporting competition . . . in order to obtain financial advantage, for oneself or for other, and remove [any] uncertainty normally associated with the results of a competition.”); see also Norman-Culp, *supra* note 71 (“Fixing of matches for criminal gambling fraud purposes is absolutely endemic worldwide . . . arrogantly happening daily.” (alteration in original) (quoting Chris Eaton, director of sport integrity at International Centre for Sport Security)).

73. See Norman-Culp, *supra* note 71. (reporting number of alleged games are fixed in Europe each year).

74. See *id.* (indicating match-fixing problems have most commonly occurred in depressed parts of Eastern Europe and less popular Finnish leagues). This is not to say “match-fixing” has not reached all levels of the sport, as recent allegations have surfaced against the Cameroon National Team in the 2014 FIFA World Cup, but it is unclear of the claim’s credibility. See Bill Barnwell, *A Primer on Match Fixing in the Wake of the Cameroon World Cup Allegations*, GRANTLAND (July 1, 2014), <http://grantland.com/the-triangle/a-primer-on-match-fixing-in-the-wake-of-the-cameroon-world-cup-allegations/> (describing various complexities of determining whether Cameroonian players fixed their fixture against Croatia, but also indicating likely probability “match-fixing” occurred at some point during tournament).

75. See Lee Clayton, *Juve, Lazio and Fiorentina Relegated*, MAIL ONLINE, <http://www.dailymail.co.uk/sport/football/article-395629/Juve-Lazio-Fiorentina-relegated.html> (last visited Apr. 11, 2015) (reporting on demotion, stripping of titles and suspensions of three Italian soccer teams, including league-winners and historical powerhouse, Juventus F.C., after reports of “match-fixing” were uncovered in 2006).

76. See *Italian Trio Relegated to Serie B*, BBC SPORT (July 14, 2006, 9:54 PM), <http://news.bbc.co.uk/sport2/hi/football/europe/5164194.stm> (reporting punishments issued to clubs involved in Italian match-fixing scandal).

77. See *id.* (reporting suspensions of one to five years for top officials from Juventus F.C., Lazio, and A.C. Milan)

ian government and the world; Italian Prime Minister Romano Prodi said, "If the clubs and some men running the clubs made mistakes and if they were guilty, they have to pay—even if [they] are world champions."⁷⁸ While the punishments were ultimately reduced after the clubs appealed, the penalties demonstrated the extent professional sport bodies are willing to go to discourage match-fixing.⁷⁹

E. Why the NFL Should Double Down on Betting

One of the biggest challenges the NFL has faced expanding overseas is a lack of education about the sport among the local fans in international markets.⁸⁰ Thus, London bookmakers could become one of the keys to a successful NFL franchise.⁸¹ For an NFL franchise to become more than just an annual novelty event and keep fans engaged for a full sixteen game season, the NFL will need to educate and engage London fans.⁸² The more educated and engaged the English fan base is, the more likely it is they will choose to watch the NFL on Sundays, follow weekly NFL news, and buy NFL merchandise.⁸³ Perhaps more importantly, educated fans are more willing to make bets.⁸⁴ Thus, the London odds-makers, in turn, may be willing to invest money in educating English fans about the sport in order to encourage more fans to bet on NFL

78. See John Hooper, *Juventus Hit Rock Bottom as Italy's Cheats are Relegated*, THE GUARDIAN (July 14, 2006, 7:17 PM), <http://www.theguardian.com/football/2006/jul/15/newsstory.europeanfootball> (quoting Italian Prime Minister Romano Prodi's reference to punishments handed to clubs with players on Italy's 2006 FIFA World Cup championship team). At the time, Juventus had five Italian national team players on the team. See *id.*

79. See *Inter Milan Awarded Serie A Title*, CNN INT'L (July 26, 2006, 8:37 PM), <http://edition.cnn.com/2006/SPORT/football/07/26/italy.inter/> (reporting Italian Football Federation appeals court's decision to reduce the punishments handed to clubs involved in match-fixing scandal). Juventus F.C. was the only team to still be demoted to Serie B. See *id.*

80. See Jessie, *US Sports in the UK: From Fringe to Mainstream*, BET SMART MEDIA (Nov. 1, 2013), <http://www.betsmartmedia.com/us-sports-in-the-uk-from-fringe-to-mainstream> (describing NFL's growth in popularity in United Kingdom by successfully playing games in England and presence with London bookmakers).

81. See NFL Interviews, *supra* note 1 (interviewing NFL Commissioner Roger Goodell on NFL potentially entering new territory with expansion to London and need to learn from past attempts to expand to European market).

82. See La Canfora, *supra* note 1 (indicating need for fans to feel connection with London-based NFL team and feel comfortable adopting as their own).

83. See *id.* (describing how fan engagement and demand for American Football crucial to success of any team playing in London).

84. See Jessie, *supra* note 80 (indicating rise in popularity of NFL games has led to more bets placed on games than before).

games.⁸⁵ The sooner the NFL embraces the London gambling market, the quicker the London fans will learn about the sport and begin to follow it.⁸⁶

Furthermore, the NFL's acceptance of gambling in England could lead to more youth involvement in local community football programs.⁸⁷ Politicians in England are considering measures to increase funding to school and youth athletics programs through new taxes on sport betting businesses.⁸⁸ This new source of revenue is a great opportunity for the NFL to create American football programs for English children, and hopefully create a new fan base; this is especially true if the League can show its games account for a significant share of the gambling tax revenue.⁸⁹

III. SHARING A PINT WITH A MATE: WHY THE NFL MIGHT FIND ENGLAND'S ALCOHOL POLICY UNFRIENDLY

While the NFL and United Kingdom are morally opposite in their views towards gambling, their stances are reversed when it comes to another popular vice: alcohol.⁹⁰ One of the NFL's largest advertisers is international beer conglomerate Anheuser-Busch In-

85. *See id.* (implying fans are more willing to regularly place bets when they have knowledge of the sport).

86. *See id.* (indicating U.K. bookmakers currently take bets on NFL games but not in large enough quantities to take away from soccer and other more familiar sports). The sports betting industry in London will want to enhance the understanding and education level of the spectators so they are more willing to place bets on NFL games either online or at the stadium parlors. *See id.*

87. Keith Weir, *UK Opposition Weighs Betting Levy to Fund Grassroots Sport*, YAHOO! NEWS (July 23, 2014, 6:01 PM), <http://news.yahoo.com/uk-opposition-weighs-betting-levy-fund-grassroots-sport-220100083—sector.html> (reporting on new proposals to increase revenues for youth programs through taxation on bookmakers).

88. *See id.* (noting strong opposition, as betting businesses are not “‘bottomless pit’ for politicians to raid” and industry “‘already facing two tax increases and . . . pays out over sixty-five percent of all its earnings in taxes and levies.’” (quoting Donald McCabe, director of external relations for bookmaker Ladbrokes)).

89. *See id.* (reporting new revenue will be used to fund youth sports programs, thus providing avenue for NFL to engage youths in football and create new wave of potential fans).

90. Compare Karp, *supra* note 25 (noting NFL's strong opposition to legalized sports betting), and Koegh & Rose, *supra* note 48 (estimating large amount of money gambled on soccer globally), with Bud Light to be Official Beer Sponsor, ESPN (May 4, 2010, 6:45 PM) [hereinafter *Bud Light Official Beer Sponsor*], <http://sports.espn.go.com/nfl/news/story?id=5162445> (noting NFL welcomes Bud Light as its “official beer sponsor”), and Dathan, *supra* note 14 (noting that ban on alcoholic drinking during games may be partially lifted because of campaign “privately backed” by Premier League and Championship clubs).

Bev.⁹¹ The beer company recently signed a \$1.2 billion contract to make their brand, Bud Light, the official beer sponsor of the NFL.⁹² Beer sales at NFL games have been one of the most profitable items at the concession stands.⁹³ Beer sales are currently permitted at International Series games, but the potential for a government ban is a realistic possibility.⁹⁴

The United Kingdom prohibits the possession or consumption of alcohol during “designated sporting events.”⁹⁵ The Sporting Events Act of 1985 says in relevant part:

A person who has alcohol or an article to which this section applies in his possession –

(a) at any time during the period of a designated sporting event when he is in any area of a designated sports ground from which the event may be directly viewed, or

(b) while entering or trying to enter a designated sports ground at any time during the period of a designated sporting event at that ground, is guilty of an offence.⁹⁶

This law was passed in the midst of one of the darkest times in English sporting history, a period during which numerous fans lost their lives due to alcohol-related violence.⁹⁷ Since the passage of the Sporting Events Act, if an English spectator wants to purchase a beer during a game, he or she must leave the “designated sports

91. See *Bud Light Official Beer Sponsor*, *supra* note 90 (reporting on sponsorship agreement signed between beer distributor Anheuser-Busch InBev and NFL).

92. See *id.* (insinuating sponsorship will help promote Anheuser-Busch’s brand “Bud Light” throughout NFL games).

93. See Chris Smith, *The NFL’s Most Overpriced Beers: Detroit Lions, Seattle Seahawks Have Worst Bargain Beverages*, FORBES (Aug. 20, 2014, 10:00 AM), <http://www.forbes.com/sites/chris-smith/2014/08/20/the-nfls-most-overpriced-beers-detroit-lions-seattle-seahawks-have-worst-bargain-beverages/> (documenting higher price markup on beer at NFL games, as opposed to “local market prices”).

94. See *World Cup Beer Battle Brewing Between Brazil and FIFA*, CNN INT’L (Jan. 20, 2012, 2:41 PM) [hereinafter *Beer Battle Between Brazil and FIFA*], <http://edition.cnn.com/2012/01/19/sport/football/football-brazil-alcohol-fifa/index.html> (explaining how Brazil’s ban on alcohol impacted preparations for 2014 FIFA World Cup).

95. Sporting Events Act, 1985, c. 57, s. 2, (U.K.) (indicating restrictions on consumption and possession of alcohol at sporting events).

96. See *id.* (quoting statutory regulations on consumption and possession of alcohol at sporting events).

97. For a further discussion regarding violence at English sporting events, see *infra* notes 103-15 and accompanying text.

ground.”⁹⁸ This creates a halftime rush to the bars and pubs inside the stadium that do not offer direct views to the field.⁹⁹ Thus, because they are forced to limit the times and ways a fan can buy beer, soccer teams in the English Premier League do not realize the full revenue from potential beer sales, and an NFL team in London could potentially suffer, as well.¹⁰⁰ This Part describes the troubled history the United Kingdom has endured and how much has changed in the last thirty years.¹⁰¹ It also explains how the NFL has dealt with its own alcohol issues and has a significant financial incentive to ensure alcohol is served at football games.¹⁰²

A. The Lasting Impacts of Heysel and Hillsborough

Part of the reasoning for London’s ban stems from two soccer tragedies: the Heysel Stadium Riots and the Hillsborough Stadium tragedy.¹⁰³ During the 1985 European Cup Final between Italian team Juventus F.C. and English team Liverpool F.C., the Liverpool fans attacked the Italian fans, initiating a riot that knocked down a dividing wall, killing thirty-nine spectators and injuring dozens more.¹⁰⁴ Liverpool “hooligans” were largely considered the instigators of the tragic events and numerous penalties were imposed on

98. See Sporting Events Act, 1985, c. 57, s. 2, (U.K.) (indicating no consumption of alcohol inside ‘designated sports grounds’); see also *id.* at s. 9 (defining “designated sports grounds” as “any place used . . . for sporting events where accommodation is provided for spectators”).

99. See Tom Furnival-Adams, *Alcohol and Football: It’s Time to Let Football Fans Enjoy a Drink*, THE TWO UNFORTUNATES (Oct. 17, 2013), <http://thetwounfortunates.com/alcohol-and-football-its-time-to-let-football-fans-enjoy-a-drink/> (raising issues with current policy with regards to binge drinking and quick consumption of alcohol).

100. See *Beer We Go: Chelsea Lead Premier League Pint Rip-off*, DAILY MAIL (Dec. 1, 2008, 6:42 PM), <http://www.dailymail.co.uk/sport/football/article-1090817/Hefty-pint-prices-Premier-League-fans-hangover.html> (discussing 2008 beer figures).

101. For a further discussion regarding violence at English sporting events, see *infra* notes 95-100 and accompanying text.

102. For a further discussion of the NFL’s role in mitigating fan violence, see sources cited *infra* notes 107-118 and accompanying text.

103. See Dathan, *supra* note 14 (indicating need to correct fan behavior that led to devastating tragedies as basis for restrictions on alcohol at sporting events).

104. See 1985: *Fans Die in Heysel Rioting*, Filter Results for May 29 in *On This Day*, BBC NEWS, http://news.bbc.co.uk/onthistday/hi/dates/stories/may/29/newsid_2733000/2733979.stm (last visited Sept. 8, 2014) [hereinafter 1985: *Fans Die in Heysel Rioting*] (reporting on 1985 incident of fan violence during European soccer game between Liverpool F.C. and Juventus F.C. led to several injuries and deaths). These riots were generally believed to be caused by intoxicated English fans of Liverpool F.C., which led to severe punishments and bans for all English teams. See *id.*

the fans, team, and English league, among which was the prohibition of alcohol inside the stadiums.¹⁰⁵

Four years later, the Hillsborough Stadium disaster reinforced the need for a ban on alcohol.¹⁰⁶ On April 15, 1989, ninety-six people were killed when fellow fans crushed them against a field barrier during a soccer game between Liverpool F.C. and Nottingham Forest F.C.¹⁰⁷ After the disaster, one of the police officers on duty stated there was a “scent of alcohol” coming from the “pen.”¹⁰⁸

B. Just Like Rugby, But With the Forward Pass

Public pressure to lift the ban on drinking inside sporting events has been on the rise.¹⁰⁹ In 1992, the Sporting Events Act amended the term “sporting events” to mean, primarily, soccer games.¹¹⁰ Rugby and cricket have not been plagued with the same “hooliganism” that ran rampant through soccer.¹¹¹ Oddly enough, sharing drinks among rugby players from opposing teams after the game is one of the most customary aspects of the sport.¹¹²

105. See *id.* (reporting Juventus fans were crushed under collapsing wall while trying “to escape Liverpool supporters”).

106. See David Conn, *Hillsborough Officer: Alcohol Scent Could Have Been Smell of Death*, THE GUARDIAN (Aug. 28, 2014, 9:38 AM), <http://www.theguardian.com/football/2014/aug/28/hillsborough-inquest-officer-alcohol-scent-smell-of-death> (indicating belief that alcohol-related violence caused deaths); see also *Hillsborough Stadium Disaster: April 15, 1989*, THE TELEGRAPH (April 15, 2014, 3:10 PM), <http://www.telegraph.co.uk/sport/football/teams/liverpool/10767715/Hillsborough-stadium-disaster-April-15-1989.html> (describing another tragedy that occurred several years after Heysel during League Cup game between Liverpool F.C. and Nottingham Forest F.C. where several people were killed after being crushed by unruly supporters trying to cram into stands).

107. See Conn, *supra* note 106 (describing details of tragedy involving two English teams where close to 100 people lost their lives due to unruly fans).

108. See *id.* (revisiting theory that disaster was caused by intoxicated fans, as opposed to other potential causes, such as lack of security or organization or metal fences that did not allow fans to evacuate stands when danger became apparent).

109. See Dathan, *supra* note 14 (indicating several proposals have gone before England’s Football Association to help lift restrictions on alcohol at sporting events).

110. See generally *FAQs – To Which Events Does the Sporting Events Act of 1985 Apply?*, SPORTS GROUNDS SAFETY AUTH., <http://www.safetyatsportsgrounds.org.uk/advice/faqs/sporting-events-act-1985> (last visited Sept. 29, 2014) (indicating current status of Sporting Events Act only applies to Football Association games in which at least one team currently registered with Football Association).

111. See *Football Hooliganism*, POLITICS.CO.UK, <http://www.politics.co.uk/reference/football-hooliganism> (last visited Sept. 29, 2014) (indicating that hooliganism has only been plague to soccer in U.K. and other sports, such as rugby, have not been affected like soccer).

112. See Furnival-Adams, *supra* note 99 (explaining how it is customary for the home team to buy round of drinks for away team, either during game or after game).

Some stadiums that host Premier League soccer games also host rugby games. Fans have become frustrated that they cannot “drink in [their] seat [during a soccer game, but] will be able to sit in the same seat [during a rugby game] clutching a pint of beer, simply because the sport in front of them involves an egg-shaped ball instead of a spherical one.”¹¹³ In fact, other countries, such as Ireland and Germany, are known for having some of the drunkest soccer fans, but also some of the friendliest.¹¹⁴ However, the difference between the two sports is eloquently summed up by the English expression, “Football is a game for gentlemen, followed by thugs. Rugby is a game for thugs, followed by gentlemen.” So while there is a foreseeable possibility alcohol will be allowed during London NFL games, it will likely hinge upon the NFL’s ability prevent the dangerous influence of hooliganism within its fan base.¹¹⁵

C. The Gang Green Street Hooligans

The U.K. would have valid reasons, however, to prohibit drinking during NFL games based on the large number of alcohol-related arrests during regular season NFL games.¹¹⁶ During the 2013-2014 Premier League season, fans of Manchester United led all Premier League fan-bases with 112 total arrests, only sixty-five of those were attributed to alcohol.¹¹⁷ Yet, when the San Francisco 49ers opened their new stadium during the second week of the 2014 NFL season, the fans already halved that alcohol-related arrest total with thirty-one fan arrests made, most of which were linked to alcohol.¹¹⁸ While San Francisco’s Levi’s Stadium holds 70,000 fans, the

113. See *id.* (explaining dichotomy of experiences that will occur in same stadiums that host soccer games that host 2015 Rugby World Cup).

114. See *Football Violence and Alcohol*, SOC. ISSUES RESEARCH CENTRE, www.sirc.org/publikfvalcohol.html (last visited Sept. 29, 2014) (indicating alcohol has had no effect on increased violence in countries such as Ireland and Germany, where fans commonly drink large quantities of alcohol during soccer games).

115. See *1985: Fans Die in Heysel Rioting*, *supra* note 104 (noting fan violence has mostly been eradicated from soccer due to, among other security measures, prohibition of alcohol at soccer games).

116. See Akbar Gbajabiamila, *Fan Violence is a Constant Concern for Players and Their Families*, NFL (Dec. 20, 2012, 8:43 PM) (expressing constant threat unruly NFL fans pose on other fans, especially from opposing teams).

117. See Zac Wassink, *10 Premier League Fan Bases with the Most Arrests in 2013/2014*, THE RICHEST (Sept. 20, 2014), <http://www.therichest.com/sports/soccer-sports/10-premier-league-fan-bases-with-the-most-arrests/?view=all> (listing number of arrests by top teams’ fan bases during previous season, while also specifying which arrests were linked with alcohol).

118. See Susan C. Schena, *31 Arrested At Sunday’s 49ers Game; ‘Not A Lot,’ Cops Say*, MILPITAS PATCH (Sept. 16, 2014, 1:30 PM), <http://patch.com/california/milpitas/31-arrested-sundays-49er-game-not-lot-cops-say-0#.VCbV0vldVZE> (report-

49ers will only play eight regular season games there, thirty games less than the number of games it took the Manchester United fans to accumulate sixty-five alcohol-related arrests.¹¹⁹ It is also believed that the number of reported incidents is lower than the actual number of alcohol incidents due to substantial underreporting.¹²⁰

Commissioner Goodell was aware of the potential image problems created by drunk and unruly fans at NFL games in 2009.¹²¹ Before the 2009 season, Goodell and the NFL released a Fan Code of Conduct and alcohol recommendations aimed at the teams in an effort to curb the alcohol-related issues at the stadium.¹²² A few of these recommendations included decreasing the size of beer cups and limiting the quantity of beer purchased at one time.¹²³ The League has also encouraged its teams to set up fan text message programs to report incidents occurring inside the stadium.¹²⁴ In 2012, the NFL instituted an online class for fans who

ing on amount of alcohol related arrests during San Francisco 49ers' home opener against Chicago Bears on September 14, 2014).

119. See *Police Arrest 31 at Sunday's 49ers Home Opener at Levi's Stadium*, CBS SF BAY AREA (Sept. 16, 2014, 2:23 PM), <http://sanfrancisco.cbslocal.com/2014/09/16/police-arrest-31-at-sundays-49ers-bears-game-levis-stadium-santa-clara-football/> (indicating number of arrests made at San Francisco's home opener). Compare *Season Schedule*, 49ERS.COM, www.49ers.com/schedule/season-schedule.html (last visited Sept. 29, 2014) (indicating San Francisco 49ers played eight home games in 2014 season), with *Fixtures & Results*, MANUTD.COM, <http://www.manutd.com/en/Fixtures-And-Results/United-Fixtures-And-Results.aspx> (last visited Sept. 29, 2014) (indicating Manchester United played over forty games during 2013-14 season).

120. See *Crime Inside NFL Stadiums Hidden from Police*, KIROTV.COM EYEWITNESS NEWS (Jan. 31, 2013, 5:00 PM), <http://www.kirotv.com/news/news/crime-inside-nfl-stadiums-hidden-police/nT9RP/> (explaining NFL teams are not required to involve police when incidents of fan violence occur, nor are teams properly equipped to handle every case that arises).

121. See Michael McCarthy, *NFL vs. Unruly Fans: League Out to Protect Game Day Experience*, USA TODAY (Nov. 19, 2009, 12:36 PM), http://usatoday30.usatoday.com/sports/football/nfl/2009-11-18-1a-cover-nfl-fans_N.htm (explaining how implementation of League's new Fan Code of Conduct and alcohol policies have positively impacted game day experience for many fans, but have also alienated "diehard" fans that are accustomed to all-day-long tailgate parties, where consumption of large quantities of alcohol often occurs).

122. See generally Michael McCarthy, *NFL Targeting Binge Drinking among Fans in New Season*, USA TODAY (Aug. 22, 2009, 5:21 PM), http://usatoday30.usatoday.com/sports/football/nfl/2009-08-20-nfl-beer-sales_N.htm (reporting NFL poised to unveil new alcohol policies, such as smaller beer sizes, shorter tailgate times, and increased emergency response in effort to combat perceived problem of intoxicated and unruly fans).

123. See *id.* (explaining how NFL's new code of conduct will affect fans directly, such as smaller beer sizes, while also impacting fans indirectly through text message response programs).

124. See *id.* (elaborating on NFL's directive encouraging teams to operate system for fans to notify stadium personnel of unruly fans).

are ejected from the stadium to take before they can attend another NFL game.¹²⁵

Since the implementation of these new policies, there has been an increase in ejections and arrests during NFL games.¹²⁶ The teams and League are happy with this result and view it as evidence the Fan Code of Conduct is working and making the NFL experience more enjoyable for everyone.¹²⁷ The NFL can hope this domestic success will show the U.K. government that the League can control the conduct of its fans and provide the government with assurances that the sport will not be plagued with hooliganism if alcohol is served at the stadium.¹²⁸

D. Budweiser's Unique Interest

Anheuser-Busch InBev's brands Bud Light and Budweiser are the official beer sponsors of the NFL and the NFL International Series, respectively.¹²⁹ The beer company will pay millions of dollars to the NFL for the next three years.¹³⁰ The company will want to ensure the investment was well spent and will not want the U.K. to prohibit the sale of alcohol at NFL games.¹³¹

125. See *id.* (explaining that fans ejected from games must complete an online course in fan safety and conduct before they are permitted back into stadium, otherwise they face more severe consequences if caught again).

126. See Daniel Kaplan, *Fan Ejections from NFL Games on the Rise*, STREET & SMITH'S SPORTS BUS. J. (Nov. 19, 2012), <http://www.sportsbusinessdaily.com/Journal/Issues/2012/11/19/Leagues-and-Governing-Bodies/NFL-ejections.aspx> (reporting average ejections have risen 7%, totaling 3,520, because of new policies implemented in NFL stadiums).

127. See *id.* (reporting teams believe rise in ejections indicates that policies have helped remove fans who are disrupting other fans from enjoying their experience and family-friendly environment NFL hopes to establish). The Philadelphia Eagles surveyed their fans periodically as the conduct policies were implemented and found there was an overall increase in positive fan experiences. See *id.*

128. For further discussion of the U.K.'s reluctance to allow drinking at sporting events, see sources cited and accompanying text *supra* notes 108-113.

129. See *Bud Light Official Beer Sponsor*, *supra* note 90 (indicating Anheuser-Busch InBev's sponsorship deal with the NFL to promote its brand, Bud Light); see also *Budweiser Signs on as Official Sponsor for NFL International Series*, SPONSOR PITCH (Nov. 6, 2014) [hereinafter *Budweiser Signs on as Official Sponsor*], <http://sponsorpitch.com/deals/8241> (indicating Budweiser is the official sponsor of the NFL International Series).

130. See Chris Isidore, *Anheuser-Busch Criticizes NFL: 'We Are Not Satisfied'*, CNN MONEY (Sept. 17, 2014, 12:32 PM), <http://money.cnn.com/2014/09/16/news/companies/nfl-anheuser-busch-criticism/> (reporting Anheuser-Busch InBev will pay, in total, \$50 million annually to NFL under current sponsorship agreement through 2017).

131. See Brandon Zimmerman, *NFL Banking on 'Passion' of U.K. Fans to Make London Expansion a Success*, SPORTS BUS. DAILY (Aug. 28, 2013), <http://www.sportsbusinessdaily.com/Global/Issues/2013/08/28/Marketing-and-Sponsorship/NFL->

Luckily, for Anheuser-Busch InBev, being the NFL's biggest sponsor comes with significant political influence, as seen during the fallout from the Ray Rice domestic violence scandal.¹³² Anheuser-Busch InBev disapproved of the League's handling of the situation and made its position very clear.¹³³ The beer company's statements surely influenced the ensuing actions taken by Roger Goodell and the NFL in the various off-field incidents involving high-profile players.¹³⁴ Thus, if Anheuser-Busch InBev believes there is a possibility the U.K. will restrict alcohol sales at NFL games because of issues such as fan violence, the sponsor would likely exercise similar political power to force the NFL to make more significant changes.¹³⁵

Anheuser-Busch InBev dealt with a similar legal restriction during the 2014 FIFA World Cup in Brazil.¹³⁶ Anheuser-Busch InBev is the official beer partner of FIFA World Cup.¹³⁷ The beer company used its influence through FIFA to force the host nation to allow stadium beer sales for the duration of the World Cup.¹³⁸ It is con-

London.aspx (reporting Budweiser brand has aided NFL's move to London through joint advertising in U.K.)

132. See Isidore, *supra* note 130 (explaining Anheuser-Busch InBev's response to NFL's handling of off-field issues and impact threat of losing key sponsor has on NFL's future disciplinary actions).

133. See *id.* (reporting following statement by Anheuser-Busch InBev: "We are disappointed and increasingly concerned by the recent incidents that have overshadowed this NFL season. We are not yet satisfied with the league's handling of behaviors that so clearly go against our own company culture and moral code. We have shared our concerns and expectations with the league.").

134. See *id.* (reporting Roger Goodell has initiated formal investigation into handling of off-field issues).

135. See Josh Katowitz, *NFL Sponsor Anheuser-Busch 'Concerned' by 'Recent Incidents'*, CBS SPORTS (Sept. 16, 2014, 3:50 PM), <http://www.cbssports.com/nfl/eye-on-football/24712039/anheuser-busch-disappointed-increasingly-concerned-by-nfl-incidents> (implying size of sponsorship agreement with Budweiser has greater "substantial impact" on NFL policies).

136. See Lei No. 10.671, de 15 de Maio de 2003, CODIGO CIVIL [C.C.] de 15.5.2003 (Braz.), available at http://translate.google.com/translate?hl=en&sl=pt&tl=en&u=http%3A%2F%2Fwww.planalto.gov.br%2Fccivil_03%2Fleis%2F2003%2F10.671.htm (prohibiting fans from "carry[ing] objects, drinks or prohibited substances likely to generate or facilitate the commission of acts of violence"); see also *Beer Battle Between Brazil and FIFA*, *supra* note 94 (reporting conflict between Brazilian law and FIFA sponsorship requirement over alcohol sales during soccer games).

137. See *Beer Battle Between Brazil and FIFA*, *supra* note 94 (describing relationship between FIFA and Anheuser-Busch InBev).

138. See *id.* (reporting Anheuser-Busch InBev key sponsor for 2014 FIFA World Cup); see also Chris Smith, *The Biggest Sponsors of Brazil's 2014 World Cup Spend Big to Engage with Fans*, FORBES (June 12, 2014, 11:54 AM), <http://www.forbes.com/sites/chris-smith/2014/06/12/the-biggest-sponsors-of-brazils-2014-world-cup/> (indicating Budweiser pays between \$10 and 15 million yearly as FIFA's "second-tier" sponsor); see also Lei No. 12.663, de 5 de Junho de 2012, CODIGO CIVIL

ceivable that Anheuser-Busch InBev would apply similar pressure on the U.K. Parliament via the NFL.¹³⁹

Also, Anheuser-Busch InBev may have another motive to want their beer sold at NFL games.¹⁴⁰ The world's leading beer distributor is engaged in an ever-lasting trademark dispute over their brand "Budweiser" with a small Czech brewery, Budejovicky Budvar.¹⁴¹ The term Budejovicky and Budweiser roughly translate to the same meaning.¹⁴² Both beers are classified as pilsners and Adolphus Busch, founder of Budweiser, claimed his intention was to make a beer similar to the regional Czech beer.¹⁴³ There are currently about seventy trademark disputes pending around the world, with both sides fighting to use the name "Budweiser".¹⁴⁴ However, in 2000, the United Kingdom granted both companies the right to sell beer under the brand name "Budweiser", making the country one of the few markets in the world where both beers directly compete under the same name.¹⁴⁵ Since Anheuser-Busch InBev is the major beer sponsor of the NFL, allowing sales of Anheuser-Busch InBev to sell its Budweiser beer to the 90,000 fans at the London team's NFL games would not only be a big boost in sales, but also a significant

[C.C.] de 5.6.2012 (Braz.), available at <http://www.v-brazil.com/world-cup/law/comments.php> (implementing laws superseding prior statutes for duration of 2014 FIFA World Cup). The World Cup Law omits the word "drinks" from prohibited objects that may cause "acts of violence." See *id.*

139. See Katie Sanders, *Brazil Bends Its Rules on Beer Sales for World Cup*, MIAMI HERALD (June 21, 2014, 1:26 PM), <http://www.miamiherald.com/news/local/community/miami-dade/article1967535.html> (reporting following statement by television comedian Jon Oliver: "The amazing thing here is FIFA won. They successfully pressured Brazil into passing a so-called Budweiser bill, allowing beer sales in soccer stadiums.").

140. See Benjamin Cunningham, *Where a Budweiser Isn't Allowed to Be a Budweiser*, TIME (Jan. 27, 2014), <http://business.time.com/2014/01/27/where-a-budweiser-isnt-allowed-to-be-a-budweiser/> (highlighting highly contested trademark dispute between world's largest beer distributor, Anheuser-Busch InBev and regional distributor from Czech Republic, Budejovicky Budvar).

141. See *id.* (indicating dispute was originally started in 1896).

142. See *id.* (providing a brief history of competing breweries).

143. See *id.* (quoting Anheuser-Busch founder: "The Budweiser beer is brewed according to the Budweiser Bohemian process, the idea was simply to brew a beer similar in quality, color, flavor and taste to the beer then made at Budweis, or in Bohemia.").

144. See *The Trademark*, BUDWEISER BUDVAR, <http://www.budweiserbudvar.co.uk/history/budweiser/> (explaining brief history of dispute and explaining why Budvar owns true rights to brand name).

145. See *Czech Budvar wins Budweiser Trademark in United Kingdom*, REUTERS, Jan. 15, 2013, available at <http://www.reuters.com/article/2013/01/15/budweiser-czech-anheuser-idUSL6N0AK7RF20130115> (reporting on recent ruling denying Anheuser-Busch InBev right to sole possession of trademark and allows both companies to continue to use name).

step towards cementing its beer as the primary “Budweiser” in the United Kingdom.¹⁴⁶

Currently, Budweiser, not Bud Light, is the official beer of the NFL’s International Series.¹⁴⁷ Beer sales are permitted at Wembley Stadium during the NFL games, but are still prohibited at the venue during soccer games.¹⁴⁸ However, it remains uncertain if the United Kingdom will want to take on the challenge of controlling large crowds of intoxicated NFL fans and grant the NFL an exception like rugby or cricket.¹⁴⁹

IV. THE NFL’S TEA PARTY: HOW TAX POLICY WILL THROW A FLAG ON THE PLAY

Taxation has always played a significant role in deciding players’ salaries and structuring playing contracts.¹⁵⁰ Players, and team staff, are taxed not only by their home state, but also by the state in which they play their weekly games.¹⁵¹ The case is very similar in the United Kingdom.¹⁵² The top tax rate in the United Kingdom is forty-five percent.¹⁵³ That tax rate is significantly higher than the

146. See *Stats and Facts*, WEMBLEY <http://www.wembleystadium.com/Press/Presspack/Stats-and-Facts> (last visited Apr. 30, 2015) (describing Wembley Stadium as having 90,000 seats); see also Crupi, *supra* note 17 (explaining sponsorship agreement between NFL and Anheuser-Busch worth \$1.2 billion, giving beer distributor plenty of influence over NFL).

147. See *Budweiser Signs on as Official Sponsor*, *supra* note 129 (indicating Budweiser is official sponsor of NFL International Series).

148. See *Things To Do For NFL Fans in London*, VISITLONDON.COM, <http://www.visitlondon.com/things-to-do/whats-on/sport/nfl-in-london> (last visited, Oct. 22, 2014) (indicating various activities planned to keep fans engaged in football activities during game weekend, including tailgate, “with Budweiser providing plenty of beer.”); see also *American Football in London*, VISITLONDON.COM <http://www.visitlondon.com/tag/nfl-london?ref=mosaic> (last visited June 7, 2015) (promoting three NFL games to be played in London in 2015).

149. See Dathan, *supra* note 14 (regarding ability for rugby fans to drink during rugby games, despite Sporting Events Act of 1985).

150. See Kurt Badenhausen, *NFL Players Can Save a Fortune With Tax Decisions*, FORBES (Sept. 5, 2013, 11:49 AM), <http://www.forbes.com/sites/kurtbadenhausen/2013/09/05/tax-decisions-by-nfl-players-can-save-a-fortune/> (indicating Dallas Cowboys Quarterback Tony Romo’s recently restructured contract to include higher percentage of signing bonus than base salary, allowing Romo to avoid costly double-taxation).

151. See *id.* (implying NFL players have to file taxes in “10-15 states and cities” depending on scheduling, but demonstrating that such taxes better than for players in other leagues where players play more games in more cities, more often).

152. See Nitti, *supra* note 20 (referring to double taxation involved when players play sporting events in England).

153. See HOUSE OF COMMONS LIBRARY, DIRECT TAXES: RATES AND ALLOWANCES 2014/15, 2014/5, H.C., at 2 (U.K.) (indicating United Kingdom tax rate for taxable income over £150,000 during 2014-15 at 45%); see also Kristi Dosh, *NFL in London Raises Legal Issues*, ESPN (Sept. 25, 2013, 11:23 AM), <http://espn.go.com/>

highest rate in the United States, thirty-nine percent.¹⁵⁴ The major problem is that although the United States gives a tax credit for a player's foreign tax burden, that credit is limited to the tax rate of the United States.¹⁵⁵ As a result, the player will still be paying roughly five percent more in taxes than the domestic player.¹⁵⁶

Furthermore, the United Kingdom would tax the players on their "worldwide endorsement income."¹⁵⁷ This tax, which entails a formula calculating the amount of days spent training or competing in the country versus the total days spent competing or training worldwide, is also collected by the United States and credited at the U.S. level.¹⁵⁸ The higher tax rate could act as a disincentive for high-priced free agents to play in London and might make it more difficult for the franchise to build a competitive team while remaining under the League's salary cap.¹⁵⁹

The United Kingdom's tax policies have been a controversial topic regarding recent sporting events.¹⁶⁰ In fact, many star athletes have often refused to compete in the United Kingdom or limit their appearances in order to avoid the hefty taxes.¹⁶¹ There are several ways the NFL could attempt to alleviate the tax burden, such as: pursuing a tax exception similar to exceptions used by top athletes during the 2012 Summer Olympics and other high-profile competitions, altering the NFL's league-wide salary cap for the

nfl.com/story/_/id/9716479/nfl-team-london-raises-legal-issues (stating highest tax rate in U.K. at 45% compared to highest U.S. tax rate of around 39%).

154. See I.R.C. § 1 (codifying tax rate on taxable income over \$250,000 slightly over 39%); see also Dosh, *supra* note 153 (indicating tax rate in U.S. only 39%).

155. See *id.* (highlighting five and four tenths percent disparity between two tax rates and amount of taxation NFL players would have to pay over U.S. based counterparts).

156. See *id.* (calculating difference between U.S. tax rate and U.K. tax rate)

157. Nitti, *supra* note 20 (explaining how NFL players in United Kingdom would have their worldwide endorsement income taxed at more expensive United Kingdom rate); see also Income Tax (Earnings and Pensions) Act, 2003, c. 5, § 27 (U.K.), available at <http://www.legislation.gov.uk/ukpga/2003/1/section/27> (establishing tax applicability for non-resident in U.K.).

158. See Nitti, *supra* note 20 (explaining how worldwide endorsement income calculated by dividing number of days spent competing or training within U.K. as opposed to outside U.K. and percentage of endorsement income athlete must pay).

159. See Dosh, *supra* note 153 (indicating need to adjust tax policy in order to lure free agents to United Kingdom).

160. See *id.* (referring to occasions when exemptions were given to competitors of certain international competitions hosted by United Kingdom, such as Olympics and Champions League Finals).

161. See *Usain Bolt Tax Bill*, *supra* note 19 (reporting following statement by Jamaican Sprinter: "As soon as the [tax] law changes I'll be [in the United Kingdom] all the time.").

London team, or allowing the London team to operate a U.S. headquarters in order to reduce a portion of the time spent practicing subject to U.K. tax rate.¹⁶²

A. Passing the Olympic Torch

In order to host the 2012 Summer Olympic Games, London was obligated to allow the Olympians to compete without having to pay taxes on their earnings or sponsorships.¹⁶³ In 2013, the U.K. Parliament considered a bill called The London Olympic Games and Paralympic Games Tax Regulations that would allow the Culture Secretary to exempt specific sporting events from the tax policy.¹⁶⁴ In addition to the Olympic competitors, participants in the 2011 and 2013 Champions League Finals, which were held in Wembley Stadium, have made use of similar bills, known respectively as The Finance Acts of 2010 and 2012.¹⁶⁵ “[The exemption is] something sports bodies have pushed for some time and will be a big advantage for bringing events to the U.K. and encouraging international stars to compete here,” said Pete Hackleton, a partner at Safery Champness, one of the U.K.’s largest accounting firms.¹⁶⁶ The revenue the NFL would generate could potentially outweigh the revenue generated by taxes on the competitors and team.¹⁶⁷ The NFL may work out a similar tax arrangement for the London team’s players and the opposing team’s players.¹⁶⁸

162. For further discussion on ways the NFL can navigate the U.K. tax policy, see sources cited and accompanying text *infra* notes 133-164.

163. See Dosh, *supra* note 153 (referring to U.K. bill that would create avenue for competitions to have exemptions “fast-tracked” for their athletes or competitors); see also Roger Blitz, *UK to Speed Tax Breaks for Sports Stars*, THE FINANCIAL TIMES (July 5, 2013, 10:26 PM), <http://www.ft.com/cms/s/0/d6b94e3a-e595-11e2-8d0b-00144feabdc0.html#axzz3EeKeKITT> (reporting on bill that would allow Culture Secretary to “modify [] U.K. regulation if it would help attract big stars”).

164. See Blitz, *supra* note 163 (describing process making it easier to attract athletes and top athletic competitions); see also The London Olympic Games and Paralympic Games Tax Regulations, 2010, S.I. 2913, art. 3 (U.K.) (exempting individuals from 2005 Income Tax (Trading and Other Income) Act).

165. See, e.g., Finance Act, 2012, c. 2, § 13 (Eng.) (providing relief for participants in 2013 Champions League Final); see also Dosh, *supra* note 153 (indicating that tax exemptions have been made for certain high-profile competitions, but not all, such as ATP Tennis Tour).

166. Blitz, *supra* note 163 (quoting Pete Hackleton regarding his thoughts on exempting certain sports athletes from tax liabilities when playing in U.K.).

167. See *id.* (noting disparities between potential tax revenue taken by Inland Revenue and revenue brought in by NFL franchise and NFL games).

168. See generally Dosh, *supra* note 153 (referring to tax exemption for large sporting events).

B. Salary Cap

Another solution is to allow the London team to operate under a higher salary cap.¹⁶⁹ The salary cap for the 2014 league season was set at \$133 million.¹⁷⁰ This meant no team could spend more than that amount of money on players for this upcoming season.¹⁷¹ Every team looking to sign players must balance the need to incentivize the player with a lucrative contract figure and yet still ensure they will have enough cap space to sign other free agents without exceeding the cap limit.¹⁷² A higher tax rate exacerbates this task because Free Agents want more money to sign in a city with a higher tax rate.¹⁷³

Currently, the NFL salary cap is commonly referred to as a “hard cap,” meaning teams cannot exceed the limit set at the start of the year, but there is some leeway depending on certain performance-based contract clauses.¹⁷⁴

However, the NFL could consider switching to what is known as a “soft cap,” most notably used in the National Basketball Association, in an effort to accommodate teams in cities, such as London, with higher tax rates.¹⁷⁵ A soft-cap would allow NFL teams more flexibility when constructing their rosters for the upcoming season.¹⁷⁶ One possibility would be to allow a minimum contract ex-

169. For further discussion of salary cap analysis, see *infra* notes 140-154 and accompanying text.

170. See Jason La Canfora, *2014 NFL Salary Cap: Where Each Team Stands as Free Agency Looms*, CBS SPORTS (Mar. 3, 2014, 2:33 PM), <http://www.cbssports.com/nfl/writer/jason-la-canfora/24466063/nfl-salary-cap-where-each-team-stands-as-free-agency-looms> (indicating salary cap limit for 2014 season).

171. See Andrew Brandt, *Salary Cap . . . Explained!*, THE MONDAY MORNING QUARTERBACK (Feb. 26, 2014), <http://mmqb.si.com/2014/02/26/nfl-salary-cap-explained/> (explaining intricacies of salary cap management facing every NFL team each season).

172. See *id.* (“Cap/contract managers not only deal with agents and their sometimes delusional views of their clients’ worth, they also balance the present and future in assessing what is best for the organization.”)

173. See Tony Manfred, *Study: NBA Teams in States with Low Income Taxes Sign Better Free Agents*, BUS. INSIDER (Aug. 16, 2011, 12:12 PM), <http://www.businessinsider.com/nba-income-tax-free-agency-2011-8> (concluding “All-Stars and high draft picks” in NBA tend to sign with teams in cities with lower tax rates).

174. See Brandt, *supra* note 171 (implying that although teams cannot go over the salary cap, an opportunity exists to accommodate signing bonuses and other contract nuances). In general, it is perceived that all teams structure their rosters within the confines of the salary cap. See La Canfora, *supra* note 170.

175. See Jon Hamm, *NBA Salary Cap 101 – the Cap, the Luxury Tax and the Apron*, NEWS OKLAHOMA (May 9, 2014, 2:54 PM), <http://newsok.com/nba-salary-cap-101-the-cap-the-luxury-tax-and-the-apron/article/4747971> (indicating NBA teams operate under “soft” salary cap).

176. See *id.* (indicating options available to salary managers of an NBA team to sign players to various types of contracts and in numerous ways).

emption.¹⁷⁷ A veteran on the roster makes a minimum salary between \$450,000 and \$910,000 depending on league experience.¹⁷⁸ In the NBA, teams may exempt minimum contracts from their salary cap calculations.¹⁷⁹ Implementing this scheme in the NFL would allow teams to make higher valued contract offers to select free agents, in order to lure them to unfavorable tax environments, such as London.¹⁸⁰

Furthermore, the NFL could change the way the salary cap itself is calculated.¹⁸¹ Presently, the league salary cap is derived from gross revenue, naming rights, advertising, sponsorships, and other revenue sources.¹⁸² The League could decide to apply a tax rate adjustment to the salary cap figure to accommodate teams located in cities with a higher tax rate.¹⁸³ However, inflating the London team's salary cap or manipulating its current limit may be unfavorable to the team's owner, as the team would pay more money to its players, thus cutting deeper into the team's bottom line.¹⁸⁴

C. Trans-Atlantic Team

Another option to avoid the higher U.K. tax is to allow the team to keep a facility in the United States to use as a United States headquarters.¹⁸⁵ This option would allow the team to conduct training camps, tryouts, and other training-related activities within

177. See Larry Coon, *NBA Salary Cap FAQ*, CBAFAQ.COM, www.cbafaq.com/salarycap.htm#Q86 (last visited Sept. 29, 2014) (explaining NBA teams are able to ignore minimum contract figures in relation to their salary cap figure, under certain situations, when acquiring players).

178. See Michael Ginnitti, *NFL Minimum Salaries & Veteran Discounts*, SPOTRAC BLOG (Feb. 15, 2014), <http://www.spotrac.com/blog/nfl-minimum-salaries-veteran-discounts/> (charting expected veteran minimum contract worth among NFL players with one to ten years experience in NFL).

179. See Coon, *supra* note 177 (explaining how NBA teams are able to avoid minimum contracts bringing them above salary cap figure).

180. See Manfred, *supra* note 173 (describing difficulty in bringing talented free agents to areas with higher tax burdens, like London).

181. See Maximilian Schultz, *How to Calculate an NFL Team's Salary Cap*, SB NATION (Mar. 19, 2014, 12:32 PM), <http://www.boltsfromtheblue.com/2014/3/19/5522590/how-to-calculate-an-nfl-teams-salary-cap> (explaining how salary cap calculated each year).

182. See *id.* (indicating some factors that can be attributed to calculating league's cap each year).

183. See generally Vrentas, *supra* note 1 (implying League would not want to go to London without ensuring its success, thus opening door to potential new ideas to help make League successful in London).

184. See Nitti, *supra* note 20 (indicating more money spent on players in order to lure them to London, less money owner of NFL team will make at end of year).

185. See La Canfora, *supra* note 1 (suggesting an NFL team that moves to London could keep home base in United States for logistical reasons, but if used for training, rehab, etc. would cut out part of London's tax burden).

the U.S.¹⁸⁶ Because of how the tax policy in the United Kingdom is structured, athletes and competitors are taxed based on the amount of time they spend practicing, training, or competing in their sport.¹⁸⁷ Thus, keeping a base in the United States would not only make logistical sense for the team when traveling to the U.S. for away games, but also create a tax haven to avoid spending more time than necessary in the United Kingdom.¹⁸⁸ A significant drawback to this idea, however, is that it would limit the appeal of the team among the London fans.¹⁸⁹ Fans would not have the opportunity to attend their teams' training camp, which is popular among American fans.¹⁹⁰ The U.K. fans may feel as if the team is not committed to the city and is just using the city to promote the NFL brand without truly immersing the team in the city's culture.¹⁹¹

All of these options tackle the NFL's London taxation problem in different ways, but no matter which way the NFL decides is best, the League must address how a high taxation rate will affect the team as it tries to compete with U.S. based teams.¹⁹² It is important that the NFL team is able to attract key players and keep its own veterans by providing them with attractive and competitive contracts.¹⁹³ As the other two topics discussed in this paper also attest, each decision will have lasting impacts on the League and the United Kingdom, depending on who is willing to bear the burden of the additional tax revenue.¹⁹⁴

186. See *id.* (indicating all logistical benefits team would gain by keeping base in United States, such as travel time and practice facilities).

187. See Nitti, *supra* note 20 (explaining less time spent training or playing sport in United Kingdom, less money owed on worldwide endorsement income).

188. See La Canfora, *supra* note 1 (explaining logistical benefits of U.S. base); see also Nitti, *supra* note 20 (explaining financial benefits of U.S. base).

189. See Nitti, *supra* note 20 (explaining potential drawback of establishing U.S.-based training camp would limit London fans' access to team).

190. See *id.* (indicating that although certain teams have moved locations of training camps to other cities in U.S., fans still regularly attend training camps).

191. See *id.* (warning that failure to engage London fans would cause team and League to fail).

192. For discussion on high tax rates on professional sports teams, see *supra* notes 143-150 and accompanying text.

193. See *Building a Roster*, NFL, <http://www.nfl.com/qs/footballogy/episode-2-building-a-roster.jsp> (last visited Sept. 29, 2014) (taking in-depth look at recent success for teams building through draft and retaining players when they hit free agency or signing them to contract extensions).

194. For discussion on decisions regarding the U.K. tax rate in front of the U.K. government and the NFL, see *supra* notes 168-196.

V. CONCLUSION

There are clearly several obstacles to overcome before the NFL can move a franchise to London.¹⁹⁵ Some have potentially lucrative solutions for the NFL, and some could provide catalysts for significant policy change in the United Kingdom concerning gambling, alcohol sales, and income tax.¹⁹⁶ Allowing NFL betting in London would potentially create an even bigger push toward legalized gambling in the United States.¹⁹⁷ Basketball fans have been able to move on from the game-fixing scandal in the National Basketball Association in 2007 and soccer fans have remained relatively undeterred from numerous reports of match-fixing scandals in numerous top-level European soccer leagues.¹⁹⁸ Additionally, English betting parlors and the NFL have a substantial interest in educating the fan base about American Football.¹⁹⁹ The more fans know about American football the more likely they are to follow the London team and place bets with the bookmakers.²⁰⁰

Public pressure has eased the restrictive bans on alcohol sales at sporting events in the United Kingdom and the ban's future is seemingly in doubt.²⁰¹ With the NFL already allowed to sell alcohol during its games in London and the public support for allowing the same at Premier League games, a political shift in favor of permanently lifting the alcohol restrictions is foreseeable.²⁰² The NFL's current domestic and international contracts with Anheuser-Busch

195. For further discussion of sports betting issues facing NFL, see *supra* notes 23-45 and accompanying text; for further discussion of United Kingdom's alcohol policy, see *supra* notes 72-92; for further discussion of United Kingdom's tax policy, see *supra* notes 143-150.

196. For further discussion of tax policy adjustments and alcohol restrictions, see *supra* notes 143-150, 72-92.

197. See Karp, *supra* note 25 (referring to strong resistance from NFL against legalized sports gambling).

198. See *Match-fixing: Cheats Will Never Be Stopped – Sepp Blatter*, BBC SPORT (Feb. 7, 2013, 5:38 PM), <http://www.bbc.com/sport/0/football/21375402> (indicating soccer fans still watch soccer games, even though reports suggest various lower division games have been fixed); see also *Stern Says Match-fixing Scandal is Isolated*, THE GUARDIAN (July 25, 2007, 12:35 PM), <http://www.theguardian.com/sport/2007/jul/25/ussport> (reporting NBA Commissioner David Stern claiming match-fixing referee, Tim Donaghy was a "rogue, isolated criminal").

199. See Jessie, *supra* note 80 (claiming that NFL success must stem from growing support and widening fan base).

200. See *id.* (implying bookmakers have started taking NFL bets and will take more once more U.K. fans are educated about sport).

201. See Dathan, *supra* note 14 (showing rising pressure to remove restrictions on drinking at Premier League games and bring them more in line with rugby games).

202. See Dathan, *supra* note 14 (reporting wave of public pressure to allow alcohol sales at Premier League soccer games).

InBev show the two organizations are committed to bringing this lucrative advertising partnership to the London NFL market, and therefore the League and the brewery will be committed to ensuring alcohol is served inside the stadium in a safe and responsible way.²⁰³

One of the toughest factors that must to be addressed is the tax status for NFL players and coaches.²⁰⁴ A London team will find it very difficult to attract top-level talent under the current NFL financial restrictions and United Kingdom tax laws.²⁰⁵ The high taxation of athletes is currently a derisive issue in England. Many people are disappointed at the prospect of losing out on hosting major sporting competitions because of the tax structure, while others want the foreign athletes competing in the United Kingdom to help shoulder the enormous costs of those events, such as the recent Summer Olympics.²⁰⁶ However, the NFL stands to earn a lot of money from a London investment and could be in a position to work out a way to help the team and players bear the larger tax burden.²⁰⁷

There are a lot of problems to be ironed out before a team can kick off in London, from logistical inconveniences to contract restructuring.²⁰⁸ In the end, the National Football League is a serious organization with a significant amount of influence on the political gridiron.²⁰⁹ If the NFL wants to move a team to London, then the League and the United Kingdom will do all they can to ensure its success.²¹⁰ If the NFL and the U.K. are willing to make the tough

203. See *Bud Light Official Beer Sponsor*, *supra* note 90 (reporting Budweiser as official beer sponsor of NFL International Series).

204. See Nitti, *supra* note 20 (discussing potential difficulties in signing highly talented free agents and coaches to work under higher tax rate).

205. See *id.*; see also Brandt, *supra* note 171 (discussing current state of NFL salary cap).

206. See *Usain Bolt Tax Bill*, *supra* note 19 (explaining controversy surrounding athletes, like Usain Bolt, not wanting to participate in U.K. because of tax laws, but yet others claiming athletes should pay their share for making money from these competitions, usually operated at loss for host cities).

207. See Blitz, *supra* note 163 (indicating financial draw of big star athletes may outweigh income received through their taxes).

208. See La Confra, *supra* note 1 (discussing various logistical concerns of opening franchise in London); see also Badenhausen, *supra* note 150 (explaining how contract restructuring benefits teams against salary cap and players against taxation).

209. See Blitz, *supra* note 163 (indicating political pressure already mounting to extend tax exemption to more athletes and competitions).

210. See Bart Hubbuch, *Goodell Wants an NFL Team in London*, N.Y. POST (June 5, 2014, 4:00 AM), <http://nypost.com/2013/06/05/goodell-wants-an-nfl-team-in-london/> (reporting following statement by Roger Goodell: "The two games is [sic] incredibly successful. If we could do three, it would be incredibly successful. It's clear to me there's a strong fan base over there.").

decisions that go against years of established policies—policies which both have fought so diligently to protect, whether for credibility reasons, safety considerations, or financial incentives—the NFL may finally achieve a successful and profitable international fan-base.

*Patrick Doughty**

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